JL - Possible 77-0692 appeal; Charles Stephens; MPD records MW 8/6/78

On the chance you could use them on appeal, if you appeal, or as attachments to a Motion to Reconsider, herewith some copies of copies I made from FBIHQ and MPD MURKIN files. They are from my Stephens and Flophouse files, copies I made for writing.

My purposes are to show that contrary to the Civil Division's representations and the affidavits it filed the MPD records were available to others. In this case I provide copies of the FBI's own clippings to show that Harvey Gipson did have copies and that the FBI knew it. It was as I stated in my affidavit public knowledge that the files were made available to others and that Stanton knowingly swore falsely.

I have more than one purpose with the Stephens records. One is to show that whatever the PD files show on him, the FBI had it all and made it available. Another is to provide possible motive for filing false affidavits in order to withhold the MPD files. As you know, Bourbon Charlie was the only alleged eyewitness and he was witness to nothing. Aside from him there was nothing to connect Ray with the crime because even if his prints on the rifle meant anything the rifle was not connected to the crime. Couldn't be.

On the chance this kind of memo can be helpful to Shea's people I'll send him a copy.

If you go over these records with care you'll find that 1) the FBI showed Stephens a real picture of the real Ray and got no identification. (Another record I cannot locate is one with a negative identification. Not the guy, he said.) 2. Despite this and after negative identification FBIHQ up top was claiming that Stephens had in fact made a positive identification. 3) None of the others identified Ray. On this not all the records. I think the one I include is sufficient. (and on this you should know, if not for your immediate purpose, that the one possible identification, by Carpenter, who sold Ray the glasses two hours earlier, could not be used because forst he was in the psych.ward of a local hospital and second it was not at or at the time of the crime.)

So the situation you have is that knowing that Stephens had made a negative identification CRD rather than FBI got an affidavit from him in which he pretended to make a positive identification and then used this affidavit to procure the extradition.

I believe that a national purpose is served by making all the records available because there is no reasonable doubt that all the inculpatory ones are available and only those that might be exculpatory are withheld. I also believe that this provides enough motive for DJ and FBI determination to withhold because it reflects badly on them - and that to be able to withhold will bear swear to anything. (Note they did not provide any affidavit from the police - only from Stanton, who was parti pris from having been part of the sell-out Ray defense under Foreman.)

I've included the one on Gracie merely to show how utterly wrong Lane is in even this kind of detail and how impossible it is to use her as a defense witness except for the unnecessary, to impeach Charlie.

Charlie presented other problems and records have to be withhald for other reasons. This is not the only record of his having beaten a woman up, although the FBI records do not hold all. The real reason they had to salt Charlie away is that he was beating women up even with the cops were "protecting" him. One with a tire iron. So the DA told the judge they had to protect him from conspirators!

Right after the story quoting him Jay Fred dropped out of the case but not out of Stephens life. After he and Gipson established Charlie's constitutional right to bourbon, as I report in F-U, Jay Fred took him down to Jay Fred's farm, not the home of a brother in the earlier FBI accounts, but even there Charlie had to drink too much.

For Quin's entertainment, this is the same lawyer you saw in my motel room the holiday weekend of the evid. hearing. I had come to know him earlier and believed him to be a competent criminal attorney. So, when the State was breathing such heavy threats at me I arranged to be seen with Jay Fred, who took me to his home for an excellent venison dinner, agreed to represent me if they tried to make good on any of the threats, and benefitted me with other kindnesses. From the time the Assistant State AG saw Jay Fred's beautiful wife walking with her arm around me and her head on my shoulder along the front of the motel I never heard another threat! We did that one like in a movie.

You will note the similarity between the actual Willie Anschutz story and the fabricated Stephens one. Willie could not be used as a witness because he was not altogether there.

Probably another reason they have to withhold the MPD records on Stephens is that as late as the time he and Gracie was sitting outside the DA's office they did not know why they were there. If you remember when we left Judge Williams' courtroom in 2/71, I talked with a reporter for a while, outside the building. He was there. Not knowing the two people he hung around until the cop had to leave. He then spoke to them. This was the night of the crime. They knew nothing. His name is identical with a name appearing in the attached records but the records make no reference to him. I have a separate file on this, established when I looked to the possibility of a trial.

I also enclose copies of the Memphis Subs as I finally obtained them as retyped at FBIHQ. My purpose here is to indicate the files of other field offices not searched. The dots I added as I checked what I received against this list.

Some of the enclosures also indicate that contrary to the representations in 77-0692 the MPD made its material available to the FBI all along. So the statement that nobody had had access is false, too, not only because Gipson had the records.

If you decide to do anything I remind you of the MPD's destruction of all its extensive domestic intelligence files when a judge ordered relevant ones to be provided to a Vietnam vet. This should not happen to the King assassination files. You should have clips I sent you on this.